

1 (b) If an applicant who is an individual fails to provide the applicant's social
2 security number to the department or if an applicant who is not an individual fails
3 to provide the applicant's federal employer identification number to the department,
4 the department may not issue or continue a license under sub. (1) to operate a day
5 care center to or for the applicant unless the applicant is an individual who does not
6 have a social security number and the applicant submits a statement made or
7 subscribed under oath or affirmation as required under par. (a) 2.

8 (c) The department of workforce development may not disclose any information
9 obtained under par. (a) 1. to any person except to the department of revenue for the
10 sole purpose of requesting certifications under s. 73.0301 or on the request of the
11 subunit of the department of workforce development that administers the child and
12 spousal support program under s. 49.22 (2m).

13 (4) The department shall prescribe the form and content of records to be kept
14 and information to be reported by persons licensed by it.

15 (5) A day care center license, other than a probationary license, is valid until
16 revoked or suspended, but shall be reviewed every 2 years after the date of issuance
17 as provided in this subsection. At least 30 days prior to the continuation date of the
18 license, the licensee shall submit to the department an application for continuance
19 of the license in the form and containing the information that the department
20 requires. If the minimum requirements established under s. 49.986 for a license are
21 met, the application is approved, the applicable fees specified in ss. 48.685 (8) and
22 49.98 (3) (a) are paid, and any forfeiture under s. 49.992 (3) (a) or penalty under s.
23 49.999 (1) that is due is paid, the department shall continue the license for an
24 additional 2-year period, unless sooner suspended or revoked. If the application is
25 not timely filed, the department shall issue a warning to the licensee. If the licensee

1 fails to apply for continuance of the license within 30 days after receipt of the
2 warning, the department may revoke the license as provided in s. 49.992 (4) and (4m)
3 (b).

4 ***-0404/4.98* SECTION 1172.** 49.986 of the statutes is created to read:

5 **49.986 Rules governing day care centers.** The department shall
6 promulgate rules establishing minimum requirements for the issuance of licenses to,
7 and establishing standards for the operation of, day care centers. These rules shall
8 be designed to protect and promote the health, safety, and welfare of the children in
9 the care of all licensees. The department shall consult with the department of
10 commerce and the department of public instruction before promulgating these rules.
11 In establishing the minimum requirements for the issuance of licenses to day care
12 centers that provide care and supervision for children under one year of age, the
13 department shall include a requirement that all licensees who are individuals and
14 all employees and volunteers of a licensee who provide care and supervision for
15 children receive, before the date on which the license is issued or the employment or
16 volunteer work commences, whichever is applicable, training in the most current
17 medically accepted methods of preventing sudden infant death syndrome.

18 ***-0404/4.99* SECTION 1173.** 49.988 of the statutes is created to read:

19 **49.988 Investigation of applicant; issuance of license; provisions of**
20 **licensure.** (1) After receipt of an application for a license, the department shall
21 investigate to determine if the applicant meets the minimum requirements for a
22 license promulgated by the department by rule under s. 49.986 and meets the
23 requirements specified in s. 48.685. In determining whether to issue or continue a
24 license, the department may consider any action by the applicant, or by an employee
25 of the applicant, that constitutes a substantial failure by the applicant or employee

1 to protect and promote the health, safety, and welfare of a child. Upon satisfactory
2 completion of this investigation and payment of the fee required under s. 49.98 (3)
3 (a), the department shall issue a license under s. 49.984 (1) or, if applicable, a
4 probationary license under s. 49.99 or, if applicable, shall continue a license under
5 s. 49.984 (5). The department shall provide the department of health and family
6 services with information about each person who is denied a license for a reason
7 specified in s. 48.685 (4m) (a) 1. to 5.

8 (2) Each license shall state the name of the person licensed, the premises
9 included under the license, the maximum number of children who can be received
10 and their ages and sex, and such additional information and special conditions as the
11 department may prescribe.

12 ***-0404/4.100* SECTION 1174.** 49.99 of the statutes is created to read:

13 **49.99 Probationary licenses.** Except as provided under s. 49.992 (6) and (7),
14 if any day care center that has not been previously issued a license under s. 49.984
15 (1) applies for a license, meets the minimum requirements established under s.
16 49.986 for a license, and pays the applicable fee specified in s. 49.98 (3) (a), the
17 department shall issue a probationary license to that day care center. A probationary
18 license is valid for up to 6 months after the date of issuance unless renewed under
19 this section or suspended or revoked under s. 49.992. Before a probationary license
20 expires, the department shall inspect the day care center holding the probationary
21 license and, except as provided under s. 49.992 (6) and (7), if the day care center
22 meets the minimum requirements established under s. 49.986 for a license, the
23 department shall issue a license under s. 49.984 (1). A probationary license issued
24 under this section may be renewed for one 6-month period.

25 ***-0404/4.101* SECTION 1175.** 49.992 of the statutes is created to read:

1 **49.992 Sanctions and penalties.** (1) In this section, “licensee” means a
2 person who holds a license under s. 49.984 (1) or a probationary license under s. 49.99
3 to operate a day care center.

4 (2) If the department provides written notice of the grounds for a sanction, an
5 explanation of the types of sanctions that may be imposed under this subsection, and
6 an explanation of the process for appealing a sanction imposed under this subsection,
7 the department may order any of the following sanctions:

8 (a) That a person stop operating a day care center if the day care center is
9 without a license in violation of s. 49.984 (1) or a probationary license in violation of
10 s. 49.99.

11 (b) That a person who employs a person who has had a license under s. 49.984
12 (1) or a probationary license under s. 49.99 revoked within the previous 5 years
13 terminate the employment of that person within 30 days after the date of the order.
14 This paragraph includes employment of a person in any capacity, whether as an
15 officer, director, agent, or employee.

16 (c) That a licensee stop violating any provision of licensure under s. 49.988 (2)
17 or rules promulgated by the department under s. 49.986.

18 (d) That a licensee submit a plan of correction for violation of any provision of
19 licensure under s. 49.988 (2) or rule promulgated by the department under s. 49.986.

20 (e) That a licensee implement and comply with a plan of correction provided by
21 the department or previously submitted by the licensee and approved by the
22 department.

23 (f) That a licensee close the intake of any new children until all violations of the
24 provisions of licensure under s. 49.988 (2) and the rules promulgated by the
25 department under s. 49.986 are corrected.

1 (g) That a licensee provide training for the licensee's staff members as specified
2 by the department.

3 (3) If the department provides written notice of the grounds for a penalty, an
4 explanation of the types of penalties that may be imposed under this subsection, and
5 an explanation of the process for appealing a penalty imposed under this subsection,
6 the department may impose any of the following penalties against a licensee or any
7 other person who violates a provision of licensure under s. 49.988 (2) or rule
8 promulgated by the department under s. 49.986 or who fails to comply with an order
9 issued under sub. (2) by the time specified in the order:

10 (a) A daily forfeiture amount per violation of not less than \$10 nor more than
11 \$1,000. All of the following apply to a forfeiture under this paragraph:

12 1. Within the limits specified in this paragraph, the department may, by rule,
13 set daily forfeiture amounts and payment deadlines based on the size and type of
14 facility or agency and the seriousness of the violation. The department may set daily
15 forfeiture amounts that increase periodically within the statutory limits if there is
16 continued failure to comply with an order issued under sub. (2).

17 2. The department may directly assess a forfeiture imposed under this
18 paragraph by specifying the amount of that forfeiture in the notice provided under
19 this subsection.

20 3. A person against whom the department has assessed a forfeiture shall pay
21 that forfeiture to the department within 10 days after receipt of notice of the
22 assessment or, if that person contests that assessment under s. 49.994, within 10
23 days after receipt of the final decision after exhaustion of administrative review or,
24 if that person petitions for judicial review under ch. 227, within 10 days after receipt
25 of the final decision after exhaustion of judicial review. The department shall remit

1 all forfeitures paid under this subdivision to the secretary of administration for
2 deposit into the school fund.

3 4. The attorney general may bring an action in the name of the state to collect
4 any forfeiture imposed under this paragraph that has not been paid as provided in
5 subd. 3. The only contestable issue in an action under this subdivision is whether
6 or not the forfeiture has been paid.

7 (b) Suspension of the licensee's license for not more than 2 weeks.

8 (c) Refusal to continue a license or a probationary license.

9 (d) Revocation of a license or a probationary license as provided in sub. (4).

10 (4) If the department provides written notice of revocation and the grounds for
11 revocation as provided in sub. (4m) and an explanation of the process for appealing
12 a revocation under this subsection, the department may revoke a license issued
13 under s. 49.984 (1) or a probationary license issued under s. 49.99 for any of the
14 following reasons:

15 (a) The department has imposed a penalty on the licensee under sub. (3) and
16 the licensee or a person under the supervision of the licensee either continues to
17 violate or resumes violation of a rule promulgated under s. 49.986, a provision of
18 licensure under s. 49.988 (2), or an order under this section forming any part of the
19 basis for the penalty.

20 (b) The licensee or a person under the supervision of the licensee has committed
21 a substantial violation, as determined by the department, of a rule promulgated
22 under s. 49.986, a provision of licensure under s. 49.988 (2), or an order under this
23 section.

24 (c) The licensee or a person under the supervision of the licensee has committed
25 an action or has created a condition relating to the operation or maintenance of the

1 day care center that directly threatens the health, safety, or welfare of any child
2 under the care of the licensee.

3 (d) The licensee or a person under the supervision of the licensee has violated,
4 as determined by the department, a rule promulgated under s. 49.986, a provision
5 of licensure under s. 49.988 (2), or an order under this section that is the same as or
6 similar to a rule promulgated under s. 49.986, a provision of licensure under s. 49.988
7 (2), or an order under this section that the licensee or a person under the supervision
8 of the licensee has violated previously.

9 (e) The licensee has failed to apply for a continuance of the license within 30
10 days after receipt of the warning under s. 49.984 (5).

11 (4m) (a) For a revocation under sub. (4) (a) or (d), the department shall provide
12 to the licensee written notice of the revocation and the grounds for revocation not less
13 than 30 days before the date of the revocation. The revocation will take effect only
14 if the violation on which the revocation is based remains substantially uncorrected
15 at the end of the 30-day notice period.

16 (b) For revocations under sub. (4) (b), (c), or (e), the department may revoke the
17 license or probationary license immediately upon written notice to the licensee of the
18 revocation and the grounds for revocation.

19 (5) The department may deny a license under s. 49.984 (1) or a probationary
20 license under s. 49.99 to any person who has had a license under s. 49.984 (1) or a
21 probationary license under s. 49.99 revoked within the previous 5 years.

22 (6) The department shall deny, suspend, restrict, refuse to renew, or otherwise
23 withhold a license under s. 49.984 (1) or a probationary license under s. 49.99 to
24 operate a day care center for failure of the applicant or licensee to pay court-ordered
25 payments of child or family support, maintenance, birth expenses, medical expenses,

1 or other expenses related to the support of a child or former spouse or for failure of
2 the applicant or licensee to comply, after appropriate notice, with a subpoena or
3 warrant issued by the department or a county child support agency under s. 59.53
4 (5) and related to paternity or child support proceedings, as provided in a
5 memorandum of understanding entered into under s. 49.857. Notwithstanding s.
6 49.994, an action taken under this subsection is subject to review only as provided
7 in the memorandum of understanding entered into under s. 49.857 and not as
8 provided in s. 49.994.

9 (7) The department of workforce development shall deny an application for the
10 issuance or continuation of a license under s. 49.984 (1) or a probationary license
11 under s. 49.99 to operate a day care center, or revoke such a license already issued,
12 if the department of revenue certifies under s. 73.0301 that the applicant or licensee
13 is liable for delinquent taxes. An action taken under this subsection is subject to
14 review only as provided under s. 73.0301 (5) and not as provided in s. 49.994.

15 *-0404/4.102* SECTION 1176. 49.994 of the statutes is created to read:

16 **49.994 Appeal procedure.** Except as provided in s. 49.992 (6) and (7), any
17 person aggrieved by the department's refusal or failure to issue, renew, or continue
18 a license or by any action taken by the department under s. 49.992 has the right to
19 an administrative hearing provided for contested cases in ch. 227. To receive an
20 administrative hearing under ch. 227, the aggrieved person shall send to the
21 department a written request for a hearing under s. 227.44 within 10 days after the
22 date of the department's refusal or failure to issue, renew, or continue a license or the
23 department's action taken under s. 49.992. The department shall hold an
24 administrative hearing under s. 227.44 within 30 days after receipt of the request
25 for the administrative hearing unless the aggrieved person consents to an extension

1 of that time period. Judicial review of the department's decision may be had as
2 provided in ch. 227.

3 ***-0404/4.103* SECTION 1177.** 49.996 of the statutes is created to read:

4 **49.996 Inspection and investigation of licensees.** (1) The department
5 may visit and inspect each day care center licensed by the department, and for such
6 purpose shall be given unrestricted access to the premises described in the license.

7 (2) Whenever the department is advised or has reason to believe that any
8 person is violating s. 49.98, the department shall make an investigation to determine
9 the facts. For the purposes of this investigation, the department shall have authority
10 to inspect the premises where the violation is alleged to occur. If the department
11 finds that the person is violating s. 49.98, the department may either issue a license
12 if the person is qualified or may institute an action for the penalties and injunction
13 specified under s. 49.999 (1).

14 ***-0404/4.104* SECTION 1178.** 49.998 (title) of the statutes is created to read:

15 **49.998 (title) Immunization and lead screening requirements.**

16 ***-0404/4.105* SECTION 1179.** 49.999 of the statutes is created to read:

17 **49.999 Penalties and injunctions.** (1) In addition to the sanctions and
18 penalties provided in s. 49.992, any person who violates s. 49.98 may be fined not
19 more than \$500 or imprisoned for not more than one year in county jail or both.

20 (2) In addition to the penalties provided in sub. (1), the circuit courts shall have
21 jurisdiction to prevent and restrain by injunction violations of s. 49.98. It shall be
22 the duty of the district attorneys, upon request of the department, to institute action
23 for such injunction under ch. 813.

24 ***-1744/2.1* SECTION 1180.** 50.065 (2) (bg) of the statutes is amended to read:

SECTION 1180

1 50.065 (2) (bg) If an entity hires or contracts with a caregiver for whom, within
2 the last 4 years, the information required under par. (b) 1. to 3. and 5. has already
3 been obtained by another entity, the entity may obtain that information from that
4 other entity, which, notwithstanding par. (br), shall provide the information, if
5 possible, to the requesting entity. If an entity cannot obtain the information required
6 under par. (b) 1. to 3. and 5. from another entity or if an entity has reasonable grounds
7 to believe that any information obtained from another entity is no longer accurate,
8 the entity shall obtain that information from the sources specified in par. (b) 1. to 3.
9 and 5.

10 *-1744/2.2* SECTION 1181. 50.065 (2) (br) of the statutes is created to read:

11 50.065 (2) (br) 1. Except as provided in subd. 2, an entity that receives
12 information regarding the arrest or conviction of a caregiver from the federal bureau
13 of investigation in connection with a criminal history search under this section may
14 use the information only to determine whether the caregiver's arrest or conviction
15 record disqualifies him or her from serving as a caregiver. An entity is immune from
16 civil liability to a caregiver for using arrest or conviction information provided by the
17 federal bureau of investigation to make an employment determination regarding the
18 caregiver.

19 2. Subdivision 1. does not apply to use by an entity of arrest or conviction
20 information that the entity requests from the federal bureau of investigation after
21 September 30, 2007.

22 *-0309/4.2* SECTION 1182. 50.065 (8) of the statutes is amended to read:

23 50.065 (8) The department may charge a fee for obtaining the information
24 required under sub. (2) (am) or (3) (a) or for providing information to an entity to
25 enable the entity to comply with sub. (2) (b) or (3) (b). ~~The fee may not exceed the~~

1 ~~reasonable cost of obtaining the information.~~ No fee may be charged to a nurse's
2 assistant, as defined in s. 146.40 (1) (d), for obtaining or maintaining the information
3 if to do so would be inconsistent with federal law.

4 ***-0316/3.4* SECTION 1183.** 50.135 (2) (c) of the statutes is amended to read:

5 50.135 (2) (c) The fees collected under par. (a) shall be credited to the
6 appropriations appropriation account under s. 20.435 (4) (gm) and (6) (jm) as
7 specified in those appropriations for licensing, review and certifying activities.

8 ***-0560/2.2* SECTION 1184.** 50.14 (2) (intro.) of the statutes is amended to read:

9 50.14 (2) (intro.) For the privilege of doing business in this state, there is
10 imposed on all licensed beds of a facility an assessment that per calendar month per
11 licensed bed of an intermediate care facility for the mentally retarded may not exceed
12 \$435 \$523 in fiscal year 2003-04 2005-06 and may not exceed \$445 \$587 in fiscal
13 year 2004-05 2006-07 and an assessment that may not exceed \$75 \$125 per calendar
14 month per licensed bed of a nursing home. The In each fiscal year, \$13,800,000 of
15 the assessment moneys collected shall be deposited in the general fund, ~~except that~~
16 ~~in fiscal year 2003-04, amounts in excess of \$14,300,000, in fiscal year 2004-05,~~
17 ~~amounts in excess of \$13,800,000, and, beginning July 1, 2005, in each fiscal year,~~
18 ~~amounts in excess of 45% of the money received from the assessment and the~~
19 remainder shall be deposited in the Medical Assistance trust fund. In determining
20 the number of licensed beds, all of the following apply:

****NOTE: This is reconciled s. 50.14 (2) (intro.). This SECTION has been affected by
drafts with the following LRB numbers: 0560/1 and 0750/1.

21 ***-0560/2.3* SECTION 1185.** 50.14 (4) of the statutes is amended to read:

22 50.14 (4) Sections 77.59 (1) to (5), (6) (intro.), (a) and (c) and (7) to (10), 77.60
23 (1) to (7), (9) and (10), 77.61 (9) and (12) to (14) and 77.62, as they apply to the taxes

1 under subch. III of ch. 77, apply to the assessment under this section, except that the
2 ~~amount of any assessment amount greater than \$13,800,000 collected under s. 77.59~~
3 ~~(7) in excess of \$14,300,000 in fiscal year 2003–04, in excess of \$13,800,000 in fiscal~~
4 ~~year 2004–05, and, beginning July 1, 2005, in excess of 45% in each fiscal year in a~~
5 ~~fiscal year~~ shall be deposited in the Medical Assistance trust fund.

6 *–0042/1.1* SECTION 1186. 51.05 (3g) of the statutes is repealed.

7 *–0042/1.2* SECTION 1187. 51.05 (3m) of the statutes is repealed.

8 *–0296/2.2* SECTION 1188. 51.30 (4) (b) 27. of the statutes is created to read:

9 51.30 (4) (b) 27. For the purpose of entering information concerning the subject
10 individual into the statewide automated child welfare information system
11 established under s. 46.03 (7) (g). A county department under s. 46.215, 46.22, 46.23,
12 51.42, or 51.437, the department of health and family services, the department of
13 corrections, or any other organization that has entered into an information sharing
14 and access agreement with one of those county departments or departments and that
15 has been approved for access to the statewide automated child welfare information
16 system by the department of health and family services may have access to
17 information concerning a client of that county department, department, or
18 organization under this chapter or ch. 48 or 938 that is maintained in the statewide
19 automated child welfare information system, if necessary to enable the county
20 department, department, or organization to perform its duties under this chapter or
21 ch. 48 or 938 or to coordinate the delivery of services under this chapter or ch. 48 or
22 938 to the client. Before entering any information about an individual into the
23 statewide automated child welfare information system, the person entering the
24 information shall notify the individual that the information entered may be disclosed
25 as provided in this subdivision.

1 ***-0295/2.7* SECTION 1189.** 51.423 (1) of the statutes is amended to read:

2 51.423 (1) The department shall fund, within the limits of the department's
3 allocation for mental health services under s. 20.435 (3)-(e) and (7) (b) and (o) and
4 subject to this section, services for mental illness, developmental disability,
5 alcoholism, and drug abuse to meet standards of service quality and accessibility.
6 The department's primary responsibility is to guarantee that county departments
7 established under either s. 51.42 or 51.437 receive a reasonably uniform minimum
8 level of funding and its secondary responsibility is to fund programs which meet
9 exceptional community needs or provide specialized or innovative services. Moneys
10 appropriated under s. 20.435 (7) (b) and earmarked by the department for mental
11 health services under s. 20.435 (7) (o) shall be allocated by the department to county
12 departments under s. 51.42 or 51.437 in the manner set forth in this section.

13 ***-0295/2.8* SECTION 1190.** 51.423 (2) of the statutes is amended to read:

14 51.423 (2) From the appropriations under s. 20.435 (3)-(e) and (7) (b) and (o),
15 the department shall distribute the funding for services provided or purchased by
16 county departments under s. 46.23, 51.42, or 51.437 to such county departments as
17 provided under s. 46.40. County matching funds are required for the distributions
18 under s. 46.40 (2) and (9) (b). Each county's required match for the distributions
19 under s. 46.40 (2) for a year equals 9.89% of the total of the county's distributions
20 under s. 46.40 (2) for that year for which matching funds are required plus the
21 amount the county was required by s. 46.26 (2) (c), 1985 stats., to spend for juvenile
22 delinquency-related services from its distribution for 1987. Each county's required
23 match for the distribution under s. 46.40 (9) (b) for a year equals 9.89% of that
24 county's amounts described in s. 46.40 (9) (a) (intro.) for that year. Matching funds
25 may be from county tax levies, federal and state revenue sharing funds, or private

1 donations to the counties that meet the requirements specified in sub. (5). Private
2 donations may not exceed 25% of the total county match. If the county match is less
3 than the amount required to generate the full amount of state and federal funds
4 distributed for this period, the decrease in the amount of state and federal funds
5 equals the difference between the required and the actual amount of county
6 matching funds.

7 ***-0345/1.1* SECTION 1191.** 51.437 (4rm) (c) 2. b. of the statutes is amended to
8 read:

9 51.437 (4rm) (c) 2. b. Bill the county department of developmental disabilities
10 services for services provided on or after December 31, 1997, at \$48 per day, if an
11 independent professional review established under 42 USC 1396a (a) (31) designates
12 the person served as appropriate for community care, including persons who have
13 been admitted for more than 180 consecutive days and for whom the cost of care in
14 the community would be equal to or less than \$184 per day the daily rate for services
15 under s. 46.275. The department of health and family services shall use money it
16 receives from the county department of developmental disabilities services to offset
17 the state's share of medical assistance. Payment is due from the county department
18 of developmental disabilities services within 60 days of the billing date, subject to
19 provisions of the contract. If the department of health and family services does not
20 receive any payment within 60 days, it shall deduct all or part of the amount due from
21 any payment the department of health and family services is required to make to the
22 county department of developmental disabilities services. The department of health
23 and family services shall first use collections received under s. 46.10 as a result of
24 care at a center for the developmentally disabled to reduce the costs paid by medical
25 assistance, and shall remit the remainder to the county department of

1 developmental disabilities services up to the portion billed. The department of
2 health and family services shall use the appropriation under s. 20.435 (2) (gk) to
3 remit collection credits and other appropriate refunds to county departments of
4 developmental disabilities services.

5 ***-1525/3.4* SECTION 1192.** 59.40 (2) (p) of the statutes is amended to read:

6 59.40 (2) (p) Cooperate with the department of workforce development with
7 respect to the child and spousal support and establishment of paternity and medical
8 liability support liability program under ss. 49.22 and 59.53 (5), and provide that
9 department with any information from court records which it requires to administer
10 that program.

11 ***-0984/4.12* SECTION 1193.** 59.43 (1) (u) of the statutes is repealed and
12 recreated to read:

13 59.43 (1) (u) Submit that portion of recording fees collected under sub. (2) (ag)
14 1. and (e) and not retained by the county to the department of administration under
15 s. 59.72 (5).

16 ***-0984/4.13* SECTION 1194.** 59.43 (1) (um) of the statutes is repealed.

17 ***-0984/4.14* SECTION 1195.** 59.43 (2) (ag) 1. of the statutes is repealed and
18 recreated to read:

19 59.43 (2) (ag) 1. Subject to s. 59.72 (5), for recording any instrument entitled
20 to be recorded in the office of the register of deeds, \$11 for the first page and \$2 for
21 each additional page, except that no fee may be collected for recording a change of
22 address that is exempt from a filing fee under s. 185.83 (1) (b).

23 ***-0984/4.15* SECTION 1196.** 59.43 (2) (e) of the statutes is repealed and
24 recreated to read:

1 59.43 (2) (e) Subject to s. 59.72 (5), for filing any instrument which is entitled
2 to be filed in the office of register of deeds and for which no other specific fee is
3 specified, \$11 for the first page and \$2 for each additional page.

4 *~~1377/3.8~~* **SECTION 1197.** 59.54 (12) of the statutes is amended to read:

5 59.54 (12) COUNTY-TRIBAL LAW ENFORCEMENT PROGRAMS. Pursuant to adoption
6 of a resolution, a board may enter into an agreement and seek funding under s.
7 ~~165.90~~ 16.964 (7m).

8 *~~0984/4.16~~* **SECTION 1198.** 59.72 (3) of the statutes is repealed and recreated
9 to read:

10 59.72 (3) LAND INFORMATION OFFICE. The board may establish a county land
11 information office or may direct that the functions and duties of the office be
12 performed by an existing department, board, commission, agency, institution,
13 authority, or office. If the board establishes a county land information office, the
14 office shall:

15 (a) Coordinate land information projects within the county, between the county
16 and local governmental units, between the state and local governmental units and
17 among local governmental units, the federal government and the private sector.

18 (b) Within 2 years after the land information office is established, develop and
19 receive approval for a countywide plan for land records modernization. The plan
20 shall be submitted for approval to the department of administration under s. 16.967
21 (3) (e).

22 (c) Review and recommend projects from local governmental units for grants
23 from the department of administration under s. 16.967 (7).

24 *~~0984/4.17~~* **SECTION 1199.** 59.72 (4) of the statutes is repealed and recreated
25 to read:

1 59.72 (4) AID TO COUNTIES. A board that has established a land information
2 office under sub. (3) may apply to the department of administration for a grant for
3 a land information project under s. 16.967 (7).

4 ***-0984/4.18* SECTION 1200.** 59.72 (5) of the statutes is repealed and recreated
5 to read:

6 59.72 (5) LAND RECORD MODERNIZATION FUNDING. (a) Before the 16th day of each
7 month a register of deeds shall submit to the department of administration \$7 from
8 the fee for recording or filing the first page of each instrument that is recorded or filed
9 under s. 59.43 (2) (ag) 1. or (e), less any amount retained by the county under par.
10 (b).

11 (b) A county may retain \$5 of the \$7 submitted under par. (a) from the fee for
12 recording or filing the first page of each instrument that is recorded or filed under
13 s. 59.43 (2) (ag) 1. or (e) if all of the following conditions are met:

14 1. The county has established a land information office under sub. (3).
15 2. A land information office has been established for less than 2 years or has
16 received approval for a countywide plan for land records modernization under sub.
17 (3) (b).

18 3. The county uses \$4 of each \$5 fee retained under this paragraph to develop,
19 implement, and maintain the countywide plan for land records modernization and
20 \$1 of each \$5 fee retained under this paragraph for the provision of land information
21 on the Internet, including the county's land information records relating to housing.

22 ***-1566/2.1* SECTION 1201.** 65.90 (3) (br) of the statutes is created to read:

23 65.90 (3) (br) For a school district, the budget summary required under par. (a)
24 shall also include all of the following:

1 1. For the proposed budget, the current budget, and the budget in the previous
2 fiscal year, the school district's general fund balance at the end of the fiscal year
3 divided by the school district's general fund expenditures in that fiscal year,
4 expressed as a percentage.

5 2. For the current budget and the budget in the previous fiscal year, the
6 statewide average school district general fund balance at the end of the fiscal year
7 divided by the statewide average school district general fund expenditures in that
8 fiscal year, expressed as a percentage, as provided by the department of public
9 instruction under par. (c).

10 *-1566/2.2* SECTION 1202. 65.90 (3) (c) of the statutes is amended to read:

11 65.90 (3) (c) The department of public instruction under s. 115.28, the
12 department of revenue under s. 73.10 and the technical college system board under
13 s. 38.04 shall encourage and consult with interested public and private organizations
14 regarding the budget summary information required under pars. (a) and (b). The
15 department of public instruction and the technical college system board shall specify
16 the revenue and expenditure detail that is required under par. (b) 1. and 2. for school
17 districts and for technical college districts. The department of public instruction
18 shall provide school districts with the information required under par. (br) 2. For the
19 current budget, the department shall estimate the percentage.

20 *-1566/2.3* SECTION 1203. 65.90 (3) (d) of the statutes is amended to read:

21 65.90 (3) (d) A municipality may publish any additional budget summary
22 information that its governing body considers necessary, but the additional
23 information shall be reported separately from the information required under pars.
24 (a), (b) and, (bm), and (br).

25 *-1566/2.4* SECTION 1204. 65.90 (5) (c) of the statutes is created to read:

1 65.90 (5) (c) If a school board adopts a proposed budget in which the school
2 district's general fund balance at the end of the fiscal year divided by the school
3 district's general fund expenditures in that fiscal year exceeds an amount equal to
4 90 percent of the statewide average school district general fund balance at the end
5 of the previous fiscal year divided by the statewide average school district general
6 fund expenditures in the previous fiscal year, as determined by the department of
7 public instruction under sub. (3) (br) 2., the school board shall conduct a separate
8 vote approving the excess.

9 *~~1232~~/1.2* SECTION 1205. 66.0235 (5) of the statutes is amended to read:

10 66.0235 (5) APPORTIONMENT BOARD. The boards or councils of the local
11 governmental units, or committees selected for that purpose, acting together,
12 constitute an apportionment board. When a local governmental unit is dissolved
13 because all of its territory is transferred the board or council of the local
14 governmental unit existing at the time of dissolution shall, for the purpose of this
15 section, continue to exist as the governing body of the local governmental unit until
16 there has been an apportionment of assets by agreement of the interested local
17 governmental units or by an order of the circuit court. After an agreement for
18 apportionment of assets has been entered into between the interested local
19 governmental units, or an order of the circuit court becomes final, a copy of the
20 apportionment agreement, or of the order, certified to by the clerks of the interested
21 local governmental units, shall be filed with the department of revenue, the
22 department of natural resources, the department of transportation, the state
23 superintendent of public instruction, the department of administration, and with
24 any other department or agency of the state from which the town may be entitled by
25 law to receive funds or certifications or orders relating to the distribution or

SECTION 1205

1 disbursement of funds, with the county treasurer, with the treasurer of any local
2 governmental unit, or with any other entity from which payment would have become
3 due if the dissolved local governmental unit had continued in existence. Subject to
4 ss. 79.006 and 86.303 (4), payments from the ~~shared revenue~~ utility value-based
5 payments account made pursuant to ch. 79, payments of forest crop taxes under s.
6 77.05, of transportation aids under s. 20.395, of state aids for school purposes under
7 ch. 121, payments for managed forest land under subch. VI of ch. 77 and all payments
8 due from a department or agency of the state, from a county, from a local
9 governmental unit, or from any other entity from which payments would have
10 become due if the dissolved local governmental unit had continued in existence, shall
11 be paid to the interested local governmental unit as provided by the agreement for
12 apportionment of assets or by any order of apportionment by the circuit court and the
13 payments have the same force and effect as if made to the dissolved local
14 governmental unit.

15 ***-1707/3.2* SECTION 1206.** 66.0301 (3) of the statutes is amended to read:

16 66.0301 (3) Any contract under sub. (2) may provide a plan for administration
17 of the function or project, which may include but is not limited to provisions as to
18 proration of the expenses involved, deposit and disbursement of funds appropriated,
19 submission and approval of budgets, creation of a commission, selection and removal
20 of commissioners, and formation and letting of contracts. If a commission is created,
21 the employees of the commission are not employees of the municipalities that created
22 the commission, unless the municipalities specify otherwise in the contract.

23 ***-1018/2.1* SECTION 1207.** 66.0305 (title) of the statutes is amended to read:

24 **66.0305 (title) Municipal Political subdivision revenue sharing.**

25 ***-1018/2.2* SECTION 1208.** 66.0305 (1) of the statutes is amended to read:

1 66.0305 (1) DEFINITION. In this section, "~~municipality~~" "political subdivision"
2 means a city, village ~~or~~, town, or county.

3 *-1018/2.3* SECTION 1209. 66.0305 (2) of the statutes is amended to read:

4 66.0305 (2) MUNICIPAL POLITICAL SUBDIVISION REVENUE SHARING AGREEMENT.
5 Subject to the requirements of this section, any 2 or more ~~municipalities~~ political
6 subdivisions may, by a majority vote of a quorum of their governing bodies, enter into
7 an agreement to share all or a specified part of revenues derived from taxes,
8 payments received from the state, fee revenues, and special charges, as defined in
9 s. 74.01 (4). One or more ~~municipalities~~ political subdivisions may enter into
10 agreements under this section with federally recognized American Indian tribes or
11 bands.

 ****NOTE: This is reconciled s. 66.0305 (2). This SECTION has been affected by drafts
with the following LRB numbers: -1017/1 and 1018/1.

12 *-1018/2.4* SECTION 1210. 66.0305 (3) of the statutes is amended to read:

13 66.0305 (3) PUBLIC HEARING. At least 30 days before entering into an agreement
14 under sub. (2), a ~~municipality~~ political subdivision shall hold a public hearing on the
15 proposed agreement. Notice of the hearing shall be published as a class 3 notice
16 under ch. 985.

17 *-1018/2.5* SECTION 1211. 66.0305 (4) (a) 4. of the statutes is amended to read:

18 66.0305 (4) (a) 4. The date upon which revenues agreed to be shared under the
19 agreement shall be paid to the appropriate ~~municipality~~ political subdivision shall
20 be specified.

21 *-1018/2.6* SECTION 1212. 66.0305 (5) of the statutes is amended to read:

22 66.0305 (5) CONTIGUOUS BOUNDARIES. No ~~municipality~~ political subdivision
23 may enter into an agreement under sub. (2) with one or more ~~municipalities~~ political

1 subdivisions unless the ~~municipality~~ political subdivision is contiguous to at least
2 one other ~~municipality~~ political subdivision that enters into the agreement.

3 *–1018/2.7* SECTION 1213. 66.0305 (6) of the statutes is amended to read:

4 66.0305 (6) ADVISORY REFERENDUM. (a) Within 30 days after the hearing under
5 sub. (3), the governing body of a participating ~~municipality~~ political subdivision may
6 adopt a resolution calling for an advisory referendum on the agreement. An advisory
7 referendum shall be held if, within 30 days after the hearing under sub. (3), a
8 petition, signed by a number of qualified electors equal to at least 10% of the votes
9 cast for governor in the ~~municipality~~ political subdivision at the last gubernatorial
10 election, is filed with the clerk of a participating ~~municipality~~ political subdivision,
11 requesting an advisory referendum on the revenue sharing plan. The petition shall
12 conform to the requirements of s. 8.40 and shall be filed as provided in s. 8.37. If an
13 advisory referendum is held, the ~~municipality's~~ political subdivision's governing
14 body may not vote to approve the agreement under sub. (2) until the report under par.
15 (d) is filed.

16 (b) The advisory referendum shall be held not less than 42 days nor more than
17 72 days after adoption of the resolution under par. (a) calling for the referendum or
18 not less than 42 days nor more than 72 days after receipt of the petition under par.
19 (a) by the municipal or county clerk. The municipal or county clerk shall give notice
20 of the referendum by publishing a notice in a newspaper of general circulation in the
21 ~~municipality~~ political subdivision, both on the publication day next preceding the
22 advisory referendum election and one week prior to that publication date.

23 (c) The advisory referendum shall be conducted by the ~~municipal~~ political
24 subdivision's election officials. The governing body of the ~~municipality~~ political
25 subdivision may specify the number of election officials for the referendum. The

1 ballots shall contain the words "For the revenue sharing agreement" and "Against
2 the revenue sharing agreement" and shall otherwise conform to the provisions of s.
3 5.64 (2). The election shall be conducted as are other municipal or county elections
4 in accordance with chs. 6 and 7, insofar as applicable.

5 (d) The election inspectors shall report the results of the election, showing the
6 total number of votes cast and the numbers cast for and against the revenue sharing.
7 The election inspectors shall attach their affidavit to the report and immediately file
8 the report in the office of the municipal or county clerk.

9 (e) The costs of the advisory referendum election shall be borne by the
10 municipality political subdivision that holds the election.

11 *-1863/4.1* SECTION 1214. 66.0602 of the statutes is created to read:

12 **66.0602 Local levy limits. (1) DEFINITIONS.** In this section:

13 (a) "County growth factor" means a percentage equal to 60 percent of the
14 percentage change in the county's January 1 equalized value due to new construction
15 less improvements removed between the year before the previous year and the
16 previous year, but not less than zero.

17 (b) "Debt service" includes debt service on debt issued or reissued to fund or
18 refund outstanding municipal or county obligations, interest on outstanding
19 municipal or county obligations, and related issuance costs and redemption
20 premiums.

21 (c) "Inflation factor" means a percentage equal to the average annual
22 percentage change in the U.S. consumer price index for all urban consumers, U.S.
23 city average, as determined by the U.S. department of labor, for the 12 months
24 ending on June 30 of the year in which property tax bills are mailed under s. 74.09
25 (5).

1 (d) “Members–elect” has the meaning given in s. 59.001 (2m).

2 (e) “Municipal growth factor” means a percentage equal to 60 percent of the
3 percentage change in the region’s January 1 equalized value due to new construction
4 less improvements removed between the year before the previous year and the
5 previous year, but not less than zero.

6 (f) “Municipality” means a city, village, or town.

7 (g) “Political subdivision” means a city, village, town, or county.

8 (h) “Region” means any of the following areas to which a municipality is
9 assigned by the department of revenue, according to the county in which the
10 municipality is located, except that, if the municipality is located in more than one
11 county, the municipality is considered to be located in the county that has the greater
12 taxable value:

13 1. Region 1, consisting of the counties of Brown, Door, Florence, Kewaunee,
14 Manitowoc, Marinette, Oconto, and Sheboygan.

15 2. Region 2, consisting of the counties of Calumet, Fond du Lac, Green Lake,
16 Marquette, Menominee, Outagamie, Shawano, Waupaca, Waushara, and
17 Winnebago.

18 3. Region 3, consisting of the counties of Buffalo, Crawford, Jackson, La Crosse,
19 Monroe, Pepin, Pierce, Trempealeau, and Vernon.

20 4. Region 4, consisting of the counties of Adams, Forest, Juneau, Langlade,
21 Lincoln, Marathon, Oneida, Portage, Vilas, and Wood.

22 5. Region 5, consisting of the counties of Ashland, Bayfield, Burnett, Douglas,
23 Iron, Price, Rusk, Sawyer, Taylor, and Washburn.

24 6. Region 6, consisting of the counties of Columbia, Dane, Dodge, Jefferson,
25 Rock, and Sauk.

1 7. Region 7, consisting of the counties of Kenosha, Milwaukee, Ozaukee,
2 Racine, Walworth, Washington, and Waukesha.

3 8. Region 8, consisting of the counties of Grant, Green, Iowa, Lafayette, and
4 Richland.

5 9. Region 9, consisting of the counties of Barron, Chippewa, Clark, Dunn, Eau
6 Claire, Polk, and St. Croix.

7 (2) LEVY LIMIT. (a) Except as provided in subs. (3), (4), and (5), no municipality
8 may increase its levy in any year by a percentage that exceeds the sum of the inflation
9 factor and the municipal growth factor. In determining its levy in any year, a city,
10 village, or town shall subtract any tax increment that is calculated under s. 60.85 (1)
11 (L) or 66.1105 (2) (i).

12 (b) Except as provided in subs. (3), (4), and (5), no county may increase its levy
13 in any year by a percentage that exceeds the sum of the inflation factor and the
14 county growth factor.

15 (3) EXCEPTIONS. (a) If a political subdivision transfers to another governmental
16 unit responsibility for providing any service that the political subdivision provided
17 in the preceding year, the levy increase limit otherwise applicable under this section
18 to the political subdivision in the current year is decreased to reflect the cost that the
19 political subdivision would have incurred to provide that service, as determined by
20 the department of revenue.

21 (b) If a political subdivision increases the services that it provides by adding
22 responsibility for providing a service transferred to it from another governmental
23 unit that provided the service in the preceding year, the levy increase limit otherwise
24 applicable under this section to the political subdivision in the current year is

1 increased to reflect the cost of that service, as determined by the department of
2 revenue.

3 (c) If a city or village annexes territory from a town, the city's or village's levy
4 increase limit otherwise applicable under this section is increased in the current year
5 by an amount equal to the city's or village's mill rate applied to the current assessed
6 value of the annexed territory, and the levy increase limit otherwise applicable under
7 this section in the current year for the town from which the territory is annexed is
8 decreased by the town's mill rate applied to the assessed value of the annexed
9 territory as of the last year that the territory was subject to taxation by the town, as
10 determined by the department of revenue.

11 (d) The limit otherwise applicable under this section does not apply to amounts
12 levied by a political subdivision for the payment of any general obligation debt
13 service, including debt service on debt issued or reissued to fund or refund
14 outstanding obligations of the political subdivision, interest on outstanding
15 obligations of the political subdivision, or the payment of related issuance costs or
16 redemption premiums, secured by the full faith and credit of the political
17 subdivision.

18 (e) The limit otherwise applicable under this section does not apply to the
19 amount that a county levies in that year for a county children with disabilities
20 education board.

21 (f) The limit otherwise applicable under this section does not apply to the
22 amount that a 1st class city levies for school purposes.

23 (g) If in any year a political subdivision's distribution under s. 79.043 (5) is less
24 than the political subdivision's distribution under s. 79.043 (5) in the previous year,

1 the limit otherwise applicable under this section shall be increased to reflect the
2 reduction in the distribution.

3 (4) REFERENDUM EXCEPTION. (a) A political subdivision may exceed the levy
4 increase limit under sub. (2) if its governing body adopts a resolution to that effect
5 and the resolution is approved in a referendum.

6 (b) The resolution under par. (a) shall specify the proposed amount of increase
7 in the levy beyond the amount that is allowed under sub. (2). The political
8 subdivision may either call a special referendum for the purpose of submitting the
9 resolution to the electors of the political subdivision for approval or rejection or the
10 referendum may be held at the next succeeding spring primary or election or
11 September primary or general election, if such election is to be held not sooner than
12 42 days after the resolution is adopted.

13 (c) The clerk of the political subdivision shall publish type A, B, C, D, and E
14 notices of the referendum under s. 10.01 (2). Section 5.01 (1) applies in the event of
15 failure to comply with the notice requirements of this paragraph.

16 (d) The referendum shall be held in accordance with chs. 5 to 12. The political
17 subdivision shall provide the election officials with all necessary election supplies.
18 The form of the ballot shall correspond substantially with the standard form for
19 referendum ballots prescribed by the elections board under ss. 5.64 (2) and 7.08 (1)

20 (a). The question shall be submitted as follows: "Under state law, the increase in the
21 levy of the (name of political subdivision) for the tax to be imposed for the next
22 fiscal year, (year), is limited to%, which results in a levy of \$.... Shall the
23 (name of political subdivision) be allowed to exceed this limit and increase the levy
24 for the next fiscal year, (year), by a total of%, which results in a levy of \$....?"

1 (e) Within 14 days after the referendum, the clerk of the political subdivision
2 shall certify the results of the referendum to the department of revenue.

3 (f) The levy increase limit otherwise applicable to the political subdivision
4 under sub. (2) is increased in the next fiscal year by the percentage approved by a
5 majority of those voting on the question under par. (d).

6 (5) EXCEPTION, CERTAIN TOWNS. A town with a population of less than 2,000 may
7 exceed the levy increase limit otherwise applicable under this section to the town if
8 the annual town meeting or a special town meeting adopts a resolution to that effect.
9 The limit otherwise applicable to the town under sub. (2) is increased in the next
10 fiscal year by the percentage approved by a majority of those voting on the question.
11 Within 14 days after the adoption of the resolution, the town clerk shall certify the
12 results of the vote to the department of revenue.

13 (6) REPORTING REQUIREMENTS. The department of revenue may promulgate
14 rules relating to a political subdivision reporting its debt service levy and nondebt
15 service levy to the department.

16 (7) SUNSET. This section does not apply to a property tax levy that is imposed
17 after December 2006.

18 *-0303/4.3* SECTION 1215. 66.0615 (1m) (f) 2. of the statutes is amended to
19 read:

20 66.0615 (1m) (f) 2. Sections 77.51 (12m), (14) (~~e~~), (~~f~~ and (~~j~~) and, (14g), (15a),
21 and (15b), 77.52 (3), (3m), (4), (~~6~~) and (13), (14), (18), and (19), 77.522, 77.58 (1) to (5),
22 (6m), and (7), 77.585, 77.59, 77.60, 77.61 (2), (3m), (5), (8), (9) and, (12) to (14), and
23 (15), and 77.62, as they apply to the taxes under subch. III of ch. 77, apply to the tax
24 described under subd. 1.

25 *-1219/2.7* SECTION 1216. 66.0902 of the statutes is created to read:

1 **66.0902 False claims. (1) DEFINITIONS.** In this section:

2 (a) "Local governmental unit" has the meaning given in s. 66.0131 (1) (a).

3 (b) "Public contract" means a contract for the construction, execution, repair,
4 remodeling, or improvement of a public work or building or for the furnishing of
5 supplies, equipment, material, or professional or contractual services of any kind.

6 **(2) PRESENTATION OF FALSE CLAIMS.** Whoever knowingly presents or causes to
7 be presented a false claim for payment under any public contract with a local
8 governmental unit shall forfeit not less than \$5,000 nor more than \$10,000, plus 3
9 times the amount of the damages that were sustained by the local governmental unit
10 or would have been sustained by the local governmental unit, whichever is greater,
11 as a result of the false claim.

12 ***-1305/1.1* SECTION 1217.** 66.0903 (10) (a) of the statutes is amended to read:

13 66.0903 (10) (a) Each contractor, subcontractor, or contractor's or
14 subcontractor's agent performing work on a project that is subject to this section
15 shall keep full and accurate records clearly indicating the name and trade or
16 occupation of every person performing the work described in sub. (4) and an accurate
17 record of the number of hours worked by each of those persons and the actual wages
18 paid for the hours worked. By no later than the end of the week following a week in
19 which a contractor, subcontractor, or contractor's or subcontractor's agent performs
20 work on a project that is subject to this section, the contractor, subcontractor, or agent
21 shall submit to the contracting local governmental unit a certified record of the
22 information specified in the preceding sentence for that preceding week.

23 ***-0404/4.106* SECTION 1218.** 66.1017 (1) (a) of the statutes is amended to read:

1 66.1017 (1) (a) "Family day care home" means a dwelling licensed as a day care
2 center by the department of health and family services under s. 48.65 workforce
3 development under s. 49.98 where care is provided for not more than 8 children.

4 *~~0404/4.107~~* SECTION 1219. 66.1017 (2) of the statutes is amended to read:

5 66.1017 (2) No municipality may prevent a family day care home from being
6 located in a zoned district in which a single-family residence is a permitted use. No
7 municipality may establish standards or requirements for family day care homes
8 different from the licensing standards established under s. 48.65 49.98. This
9 subsection does not prevent a municipality from applying to a family day care home
10 the zoning regulations applicable to other dwellings in the zoning district in which
11 it is located.

12 *~~0748/1.1~~* SECTION 1220. 69.22 (1) (c) of the statutes is amended to read:

13 69.22 (1) (c) ~~Twelve~~ Fifteen dollars for issuing an uncertified copy of a birth
14 certificate or a certified copy of a birth certificate, \$7 ~~\$9~~ of which shall be forwarded
15 to the secretary of administration as provided in sub. (1m) and credited to the
16 appropriations under s. 20.433 (1) (g) and (h); and \$3 for issuing any additional
17 certified or uncertified copy of the same birth certificate issued at the same time.

18 *~~0748/1.2~~* SECTION 1221. 69.22 (5) (b) 2. of the statutes is amended to read:

19 69.22 (5) (b) 2. The filing of a birth certificate under s. 69.14 (2) (b) 5. ~~The To~~
20 the fee under this subdivision includes the search for the birth certificate and the
21 first copy of the certificate except that the state registrar shall add to the \$20 fee, the
22 \$5 shall be added the \$15 fee required under sub. (1) (c), which shall be treated as
23 specified in sub. (1) (c).

24 *~~1258/5.68~~* SECTION 1222. 70.111 (3m) of the statutes is amended to read:

1 70.111 (3m) CHARTER SPORT FISHING BOATS. Motorboats, and the equipment
2 used on them, which are regularly employed in carrying persons for hire for sport
3 fishing in and upon the outlying waters, as defined in s. 29.001 (63), and the rivers
4 and tributaries specified in s. ~~29.191 (5)~~ 29.2285 (2) (a) 1. and 2. if the owner and all
5 operators are licensed under s. 29.512 or under s. 29.514 or both and by the U.S. coast
6 guard to operate the boat for that purpose.

7 ***-0303/4.4* SECTION 1223.** 70.111 (23) of the statutes is amended to read:

8 70.111 (23) VENDING MACHINES. All machines that automatically dispense soda
9 ~~water beverages, as defined in s. 97.29 (1) (i), and items included as a food or beverage~~
10 ~~under s. 77.54 (20) (a) and (b)~~ food and food ingredient, as defined in s. 77.51 (3t),
11 upon the deposit in the machines of specified coins or currency, or insertion of a credit
12 card, in payment for the ~~soda water beverages, food or beverages~~ food and food
13 ingredient, as defined in s. 77.51 (3t).

14 ***-1656/3.1* SECTION 1224.** 71.01 (1b) of the statutes is created to read:

15 71.01 (1b) For purposes of s. 71.04 (7) (df), (dg), and (dh), “commercial domicile”
16 means the location from which a trade or business is principally managed and
17 directed, based on any factors the department determines are appropriate, including
18 the location where the greatest number of employees of the trade or business work,
19 have their office or base of operations, or from which the employees are directed or
20 controlled.

21 ***-1656/3.2* SECTION 1225.** 71.01 (1n) of the statutes is created to read:

22 71.01 (1n) For purposes of s. 71.04 (7) (df), (dg), and (dh), “domicile” means an
23 individual’s true, fixed, and permanent home where the individual intends to remain
24 permanently and indefinitely and to which, whenever absent, the individual intends
25 to return, except that no individual may have more than one domicile at any time.

1 ***-0302/4.1* SECTION 1226.** 71.01 (6) (j) of the statutes is repealed.

2 ***-0302/4.2* SECTION 1227.** 71.01 (6) (k) of the statutes is repealed.

3 ***-0302/4.3* SECTION 1228.** 71.01 (6) (L) of the statutes is amended to read:

4 71.01 (6) (L) For taxable years that begin after December 31, 1996, and before
5 January 1, 1998, for natural persons and fiduciaries, except fiduciaries of nuclear
6 decommissioning trust or reserve funds, "Internal Revenue Code" means the federal
7 Internal Revenue Code as amended to December 31, 1996, excluding sections 103,
8 104, and 110 of P.L. 102-227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203
9 (d) of P.L. 103-66 and sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L.
10 104-188, and as amended by P.L. 105-33, P.L. 105-34, P.L. 105-206, P.L. 105-277,
11 P.L. 106-36, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, P.L.
12 107-16, excluding section 431 of P.L. 107-16, P.L. 107-134, P.L. 107-147, excluding
13 sections 101 and 406 of P.L. 107-147, and P.L. 107-181, P.L. 108-121, excluding
14 section 109 of P.L. 108-121, P.L. 108-311, excluding sections 306, 307, 308, 401, and
15 403 (a) of P.L. 108-311, and P.L. 108-357, excluding sections 101, 201, 244, 336, 337,
16 909, and 910 of P.L. 108-357, and as indirectly affected by P.L. 99-514, P.L. 100-203,
17 P.L. 100-647, P.L. 101-73, P.L. 101-140, P.L. 101-179, P.L. 101-239, P.L. 101-280,
18 P.L. 101-508, P.L. 102-90, P.L. 102-227, excluding sections 103, 104, and 110 of P.L.
19 102-227, P.L. 102-318, P.L. 102-486, P.L. 103-66, excluding sections 13113, 13150
20 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, P.L. 103-296, P.L. 103-337, P.L.
21 103-465, P.L. 104-7, P.L. 104-117, P.L. 104-188, excluding sections 1123 (b), 1202
22 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L.
23 105-33, P.L. 105-34, P.L. 105-206, P.L. 105-277, P.L. 106-36, P.L. 106-554,
24 excluding sections 162 and 165 of P.L. 106-554, P.L. 107-16, excluding section 431
25 of P.L. 107-16, P.L. 107-134, P.L. 107-147, excluding sections 101 and 406 of P.L.

1 107-147, and P.L. 107-181, P.L. 108-121, excluding section 109 of P.L. 108-121, P.L.
2 108-311, excluding sections 306, 307, 308, 401, and 403 (a) of P.L. 108-311, and P.L.
3 108-357, excluding sections 101, 201, 244, 336, 337, 909, and 910 of P.L. 108-357.

4 The Internal Revenue Code applies for Wisconsin purposes at the same time as for
5 federal purposes. Amendments to the federal Internal Revenue Code enacted after
6 December 31, 1996, do not apply to this paragraph with respect to taxable years
7 beginning after December 31, 1996, and before January 1, 1998, except that
8 changes to the Internal Revenue Code made by P.L. 105-33, P.L. 105-34, P.L.
9 105-206, P.L. 105-277, P.L. 106-36, P.L. 106-554, excluding sections 162 and 165 of
10 P.L. 106-554, P.L. 107-16, excluding section 431 of P.L. 107-16, P.L. 107-134, P.L.
11 107-147, excluding sections 101 and 406 of P.L. 107-147, and P.L. 107-181, P.L.
12 108-121, excluding section 109 of P.L. 108-121, P.L. 108-311, excluding sections 306,
13 307, 308, 401, and 403 (a) of P.L. 108-311, and P.L. 108-357, excluding sections 101,
14 201, 244, 336, 337, 909, and 910 of P.L. 108-357, and changes that indirectly affect
15 the provisions applicable to this subchapter made by P.L. 105-33, P.L. 105-34, P.L.
16 105-206, P.L. 105-277, P.L. 106-36, P.L. 106-554, excluding sections 162 and 165 of
17 P.L. 106-554, P.L. 107-16, excluding section 431 of P.L. 107-16, P.L. 107-134, P.L.
18 107-147, excluding sections 101 and 406 of P.L. 107-147, and P.L. 107-181, P.L.
19 108-121, excluding section 109 of P.L. 108-121, P.L. 108-311, excluding sections 306,
20 307, 308, 401, and 403 (a) of P.L. 108-311, and P.L. 108-357, excluding sections 101,
21 201, 244, 336, 337, 909, and 910 of P.L. 108-357, apply for Wisconsin purposes at the
22 same time as for federal purposes.

23 ***-0302/4.4* SECTION 1229.** 71.01 (6) (m) of the statutes is amended to read:

24 71.01 (6) (m) For taxable years that begin after December 31, 1997, and before
25 January 1, 1999, for natural persons and fiduciaries, except fiduciaries of nuclear

1 decommissioning trust or reserve funds, "Internal Revenue Code" means the federal
2 Internal Revenue Code as amended to December 31, 1997, excluding sections 103,
3 104, and 110 of P.L. 102-227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203
4 (d) of P.L. 103-66 and sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L.
5 104-188, and as amended by P.L. 105-178, P.L. 105-206, P.L. 105-277, P.L. 106-36,
6 P.L. 106-170, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, P.L.
7 107-16, excluding section 431 of P.L. 107-16, P.L. 107-134, P.L. 107-147, excluding
8 sections 101 and 406 of P.L. 107-147, and P.L. 107-181, P.L. 108-121, excluding
9 section 109 of P.L. 108-121, P.L. 108-311, excluding sections 306, 307, 308, 401, and
10 403 (a) of P.L. 108-311, and P.L. 108-357, excluding sections 101, 201, 244, 336, 337,
11 909, and 910 of P.L. 108-357, and as indirectly affected by P.L. 99-514, P.L. 100-203,
12 P.L. 100-647, P.L. 101-73, P.L. 101-140, P.L. 101-179, P.L. 101-239, P.L. 101-280,
13 P.L. 101-508, P.L. 102-90, P.L. 102-227, excluding sections 103, 104, and 110 of P.L.
14 102-227, P.L. 102-318, P.L. 102-486, P.L. 103-66, excluding sections 13113, 13150
15 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, P.L. 103-296, P.L. 103-337, P.L.
16 103-465, P.L. 104-7, P.L. 104-117, P.L. 104-188, excluding sections 1123 (b), 1202
17 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L.
18 105-33, P.L. 105-34, P.L. 105-178, P.L. 105-206, P.L. 105-277, P.L. 106-36, P.L.
19 106-170, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, P.L. 107-16,
20 excluding section 431 of P.L. 107-16, P.L. 107-134, P.L. 107-147, excluding sections
21 101 and 406 of P.L. 107-147, and P.L. 107-181, P.L. 108-121, excluding section 109
22 of P.L. 108-121, P.L. 108-311, excluding sections 306, 307, 308, 401, and 403 (a) of
23 P.L. 108-311, and P.L. 108-357, excluding sections 101, 201, 244, 336, 337, 909, and
24 910 of P.L. 108-357. The Internal Revenue Code applies for Wisconsin purposes at
25 the same time as for federal purposes. Amendments to the federal Internal Revenue

1 Code enacted after December 31, 1997, do not apply to this paragraph with respect
2 to taxable years beginning after December 31, 1997, and before January 1, 1999,
3 except that changes to the Internal Revenue Code made by P.L. 105-178, P.L.
4 105-206, P.L. 105-277, P.L. 106-36, P.L. 106-170, P.L. 106-554, excluding sections
5 162 and 165 of P.L. 106-554, P.L. 107-16, excluding section 431 of P.L. 107-16, P.L.
6 107-134, P.L. 107-147, excluding sections 101 and 406 of P.L. 107-147, and P.L.
7 107-181, P.L. 108-121, excluding section 109 of P.L. 108-121, P.L. 108-311,
8 excluding sections 306, 307, 308, 401, and 403 (a) of P.L. 108-311, and P.L. 108-357,
9 excluding sections 101, 201, 244, 336, 337, 909, and 910 of P.L. 108-357, and changes
10 that indirectly affect the provisions applicable to this subchapter made by P.L.
11 105-178, P.L. 105-206, P.L. 105-277, P.L. 106-36, P.L. 106-170, P.L. 106-554,
12 excluding sections 162 and 165 of P.L. 106-554, P.L. 107-16, excluding section 431
13 of P.L. 107-16, P.L. 107-134, P.L. 107-147, excluding sections 101 and 406 of P.L.
14 107-147, and P.L. 107-181, P.L. 108-121, excluding section 109 of P.L. 108-121, P.L.
15 108-311, excluding sections 306, 307, 308, 401, and 403 (a) of P.L. 108-311, and P.L.
16 108-357, excluding sections 101, 201, 244, 336, 337, 909, and 910 of P.L. 108-357,
17 apply for Wisconsin purposes at the same time as for federal purposes.

18 ***-0302/4.5* SECTION 1230.** 71.01 (6) (n) of the statutes is amended to read:

19 71.01 (6) (n) For taxable years that begin after December 31, 1998, and before
20 January 1, 2000, for natural persons and fiduciaries, except fiduciaries of nuclear
21 decommissioning trust or reserve funds, "Internal Revenue Code" means the federal
22 Internal Revenue Code as amended to December 31, 1998, excluding sections 103,
23 104, and 110 of P.L. 102-227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203
24 (d) of P.L. 103-66 and sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L.
25 104-188, and as amended by P.L. 106-36, P.L. 106-170, P.L. 106-230, P.L. 106-554,

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1 excluding sections 162 and 165 of P.L. 106–554, P.L. 107–16, excluding section 431
2 of P.L. 107–16, P.L. 107–134, P.L. 107–147, excluding sections 101 and 406 of P.L.
3 107–147, P.L. 107–181, and P.L. 107–276, P.L. 108–121, excluding section 109 of P.L.
4 108–121, P.L. 108–311, excluding sections 306, 307, 308, 401, and 403 (a) of P.L.
5 108–311, and P.L. 108–357, excluding sections 101, 201, 244, 336, 337, 909, and 910
6 of P.L. 108–357, and as indirectly affected by P.L. 99–514, P.L. 100–203, P.L. 100–647,
7 P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–280, P.L. 101–508,
8 P.L. 102–90, P.L. 102–227, excluding sections 103, 104, and 110 of P.L. 102–227, P.L.
9 102–318, P.L. 102–486, P.L. 103–66, excluding sections 13113, 13150 (d), 13171 (d),
10 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L.
11 104–7, P.L. 104–117, P.L. 104–188, excluding sections 1123 (b), 1202 (c), 1204 (f),
12 1311, and 1605 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L.
13 105–34, P.L. 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36, P.L. 106–170, P.L.
14 106–230, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, P.L. 107–16,
15 excluding section 431 of P.L. 107–16, P.L. 107–134, P.L. 107–147, excluding sections
16 101 and 406 of P.L. 107–147, P.L. 107–181, and P.L. 107–276, P.L. 108–121, excluding
17 section 109 of P.L. 108–121, P.L. 108–311, excluding sections 306, 307, 308, 401, and
18 403 (a) of P.L. 108–311, and P.L. 108–357, excluding sections 101, 201, 244, 336, 337,
19 909, and 910 of P.L. 108–357. The Internal Revenue Code applies for Wisconsin
20 purposes at the same time as for federal purposes. Amendments to the federal
21 Internal Revenue Code enacted after December 31, 1998, do not apply to this
22 paragraph with respect to taxable years beginning after December 31, 1998, and
23 before January 1, 2000, except that changes to the Internal Revenue Code made by
24 P.L. 106–36, P.L. 106–170, P.L. 106–230, P.L. 106–554, excluding sections 162 and
25 165 of P.L. 106–554, P.L. 107–16, excluding section 431 of P.L. 107–16, P.L. 107–134,

1 P.L. 107-147, excluding sections 101 and 406 of P.L. 107-147, P.L. 107-181, and P.L.
2 107-276, P.L. 108-121, excluding section 109 of P.L. 108-121, P.L. 108-311,
3 excluding sections 306, 307, 308, 401, and 403 (a) of P.L. 108-311, and P.L. 108-357,
4 excluding sections 101, 201, 244, 336, 337, 909, and 910 of P.L. 108-357, and changes
5 that indirectly affect the provisions applicable to this subchapter made by P.L.
6 106-36, P.L. 106-170, P.L. 106-230, P.L. 106-554, excluding sections 162 and 165 of
7 P.L. 106-554, P.L. 107-16, excluding section 431 of P.L. 107-16, P.L. 107-134, P.L.
8 107-147, excluding sections 101 and 406 of P.L. 107-147, P.L. 107-181, and P.L.
9 107-276, P.L. 108-121, excluding section 109 of P.L. 108-121, P.L. 108-311,
10 excluding sections 306, 307, 308, 401, and 403 (a) of P.L. 108-311, and P.L. 108-357,
11 excluding sections 101, 201, 244, 336, 337, 909, and 910 of P.L. 108-357, apply for
12 Wisconsin purposes at the same time as for federal purposes.

13 ***-0302/4.6* SECTION 1231.** 71.01 (6) (o) of the statutes is amended to read:

14 71.01 (6) (o) For taxable years that begin after December 31, 1999, and before
15 January 1, 2003, for natural persons and fiduciaries, except fiduciaries of nuclear
16 decommissioning trust or reserve funds, "Internal Revenue Code" means the federal
17 Internal Revenue Code as amended to December 31, 1999, excluding sections 103,
18 104, and 110 of P.L. 102-227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203
19 (d) of P.L. 103-66 and sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L.
20 104-188, and as amended by P.L. 106-230, P.L. 106-554, excluding sections 162 and
21 165 of P.L. 106-554, P.L. 107-15, P.L. 107-16, excluding section 431 of P.L. 107-16,
22 P.L. 107-22, P.L. 107-116, P.L. 107-134, P.L. 107-147, excluding sections 101 and
23 406 of P.L. 107-147, P.L. 107-181, P.L. 107-210, P.L. 107-276, and P.L. 107-358, P.L.
24 108-27, excluding sections 106, 201, and 202 of P.L. 108-27, P.L. 108-121, excluding
25 section 109 of P.L. 108-121, P.L. 108-218, P.L. 108-311, excluding sections 306, 307,

1 308, 401, and 403 (a) of P.L. 108-311, and P.L. 108-357, excluding sections 101, 201,
2 244, 336, 337, 909, and 910 of P.L. 108-357, and as indirectly affected by P.L. 99-514,
3 P.L. 100-203, P.L. 100-647, P.L. 101-73, P.L. 101-140, P.L. 101-179, P.L. 101-239,
4 P.L. 101-280, P.L. 101-508, P.L. 102-90, P.L. 102-227, excluding sections 103, 104,
5 and 110 of P.L. 102-227, P.L. 102-318, P.L. 102-486, P.L. 103-66, excluding sections
6 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, P.L. 103-296, P.L.
7 103-337, P.L. 103-465, P.L. 104-7, P.L. 104-117, P.L. 104-188, excluding sections
8 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, P.L. 104-191, P.L.
9 104-193, P.L. 105-33, P.L. 105-34, P.L. 105-178, P.L. 105-206, P.L. 105-277, P.L.
10 106-36, P.L. 106-170, P.L. 106-230, P.L. 106-554, excluding sections 162 and 165 of
11 P.L. 106-554, P.L. 107-15, P.L. 107-16, excluding section 431 of P.L. 107-16, P.L.
12 107-22, P.L. 107-116, P.L. 107-134, P.L. 107-147, excluding sections 101 and 406 of
13 P.L. 107-147, P.L. 107-181, P.L. 107-210, P.L. 107-276, and P.L. 107-358, P.L.
14 108-27, excluding sections 106, 201, and 202 of P.L. 108-27, P.L. 108-121, excluding
15 section 109 of P.L. 108-121, P.L. 108-218, 108-311, excluding sections 306, 307, 308,
16 401, and 403 (a) of P.L. 108-311, and P.L. 108-357, excluding sections 101, 201, 244,
17 336, 337, 909, and 910 of P.L. 108-357. The Internal Revenue Code applies for
18 Wisconsin purposes at the same time as for federal purposes. Amendments to the
19 federal Internal Revenue Code enacted after December 31, 1999, do not apply to this
20 paragraph with respect to taxable years beginning after December 31, 1999, and
21 before January 1, 2003, except that changes to the Internal Revenue Code made by
22 P.L. 106-230, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, P.L.
23 107-15, P.L. 107-16, excluding section 431 of P.L. 107-16, P.L. 107-22, P.L. 107-116,
24 P.L. 107-134, P.L. 107-147, excluding sections 101 and 406 of P.L. 107-147, P.L.
25 107-181, P.L. 107-210, P.L. 107-276, and P.L. 107-358, P.L. 108-27, excluding

1 sections 106, 201, and 202 of P.L. 108-27, P.L. 108-121, excluding section 109 of P.L.
2 108-121, P.L. 108-218, P.L. 108-311, excluding sections 306, 307, 308, 401, and 403
3 (a) of P.L. 108-311, and P.L. 108-357, excluding sections 101, 201, 244, 336, 337, 909,
4 and 910 of P.L. 108-357, and changes that indirectly affect the provisions applicable
5 to this subchapter made by P.L. 106-230, P.L. 106-554, excluding sections 162 and
6 165 of P.L. 106-554, P.L. 107-15, P.L. 107-16, excluding section 431 of P.L. 107-16,
7 P.L. 107-22, P.L. 107-116, P.L. 107-134, P.L. 107-147, excluding sections 101 and
8 406 of P.L. 107-147, P.L. 107-181, P.L. 107-210, P.L. 107-276, and P.L. 107-358, P.L.
9 108-27, excluding sections 106, 201, and 202 of P.L. 108-27, P.L. 108-121, excluding
10 section 109 of P.L. 108-121, P.L. 108-218, P.L. 108-311, excluding sections 306, 307,
11 308, 401, and 403 (a) of P.L. 108-311, and P.L. 108-357, excluding sections 101, 201,
12 244, 336, 337, 909, and 910 of P.L. 108-357, apply for Wisconsin purposes at the same
13 time as for federal purposes.

14 ***-0302/4.7* SECTION 1232.** 71.01 (6) (p) of the statutes is amended to read:

15 71.01 (6) (p) For taxable years that begin after December 31, 2002, and before
16 January 1, 2004, for natural persons and fiduciaries, except fiduciaries of nuclear
17 decommissioning trust or reserve funds, "Internal Revenue Code" means the federal
18 Internal Revenue Code as amended to December 31, 2002, excluding sections 103,
19 104, and 110 of P.L. 102-227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203
20 (d) of P.L. 103-66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L.
21 104-188, P.L. 106-519, sections 162 and 165 of P.L. 106-554, P.L. 106-573, section
22 431 of P.L. 107-16, and section 101 of P.L. 107-147, and as amended by P.L. 108-27,
23 excluding sections 106, 201, and 202 of P.L. 108-27, P.L. 108-121, excluding section
24 109 of P.L. 108-121, P.L. 108-173, excluding section 1201 of P.L. 108-173, P.L.
25 108-203, P.L. 108-218, P.L. 108-311, excluding sections 306, 307, 308, 401, and 403

(a) of P.L. 108-311, and P.L. 108-357, excluding sections 101, 201, 244, 336, 337, 909, and 910 of P.L. 108-357, and as indirectly affected by P.L. 99-514, P.L. 100-203, P.L. 100-647, P.L. 101-73, P.L. 101-140, P.L. 101-179, P.L. 101-239, P.L. 101-280, P.L. 101-508, P.L. 102-90, P.L. 102-227, excluding sections 103, 104, and 110 of P.L. 102-227, P.L. 102-318, P.L. 102-486, P.L. 103-66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, P.L. 103-296, P.L. 103-337, P.L. 103-465, P.L. 104-7, P.L. 104-117, P.L. 104-188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-33, P.L. 105-34, P.L. 105-178, P.L. 105-206, P.L. 105-277, P.L. 106-36, P.L. 106-170, P.L. 106-230, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, P.L. 107-15, P.L. 107-16, excluding section 431 of P.L. 107-16, P.L. 107-22, P.L. 107-116, P.L. 107-134, P.L. 107-147, excluding section 101 of P.L. 107-147, P.L. 107-181, P.L. 107-210, P.L. 107-276, and P.L. 107-358, P.L. 108-27, excluding sections 106, 201, and 202 of P.L. 108-27, P.L. 108-121, excluding section 109 of P.L. 108-121, P.L. 108-173, excluding section 1201 of P.L. 108-173, P.L. 108-203, P.L. 108-218, P.L. 108-311, excluding sections 306, 307, 308, 401, and 403 (a) of P.L. 108-311, and P.L. 108-357, excluding sections 101, 201, 244, 336, 337, 909, and 910 of P.L. 108-357. The Internal Revenue Code applies for Wisconsin purposes at the same time as for federal purposes. Amendments to the federal Internal Revenue Code enacted after December 31, 2002, do not apply to this paragraph with respect to taxable years beginning after December 31, 2002, and before January 1, 2004, except that changes to the Internal Revenue Code made by P.L. 108-27, excluding sections 106, 201, and 202 of P.L. 108-27, P.L. 108-121, excluding section 109 of P.L. 108-121, P.L. 108-173, excluding section 1201 of P.L. 108-173, P.L. 108-203, P.L. 108-218, P.L. 108-311, excluding sections 306, 307, 308, 401, and 403 (a) of P.L.

1 108-311, and P.L. 108-357, excluding sections 101, 201, 244, 336, 337, 909, and 910
2 of P.L. 108-357, and changes that indirectly affect the provisions applicable to this
3 subchapter made by P.L. 108-27, excluding sections 106, 201, and 202 of P.L. 108-27,
4 P.L. 108-121, excluding section 109 of P.L. 108-121, P.L. 108-173, excluding section
5 1201 of P.L. 108-173, P.L. 108-203, P.L. 108-218, P.L. 108-311, excluding sections
6 306, 307, 308, 401, and 403 (a) of P.L. 108-311, and P.L. 108-357, excluding sections
7 101, 201, 244, 336, 337, 909, and 910 of P.L. 108-357, apply for Wisconsin purposes
8 at the same time as for federal purposes.

9 ***-0302/4.8* SECTION 1233.** 71.01 (6) (q) of the statutes is created to read:

10 71.01 (6) (q) For taxable years that begin after December 31, 2003, and
11 before January 1, 2005, for natural persons and fiduciaries, except fiduciaries of
12 nuclear decommissioning trust or reserve funds, "Internal Revenue Code" means
13 the federal Internal Revenue Code as amended to December 31, 2003, excluding
14 sections 103, 104, and 110 of P.L. 102-227, sections 13113, 13150 (d), 13171 (d),
15 13174, and 13203 (d) of P.L. 103-66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and
16 1605 (d) of P.L. 104-188, P.L. 106-519, sections 162 and 165 of P.L. 106-554, P.L.
17 106-573, section 431 of P.L. 107-16, section 101 of P.L. 107-147, sections 106,
18 201, and 202 of P.L. 108-27, section 109 of P.L. 108-121, and section 1201 of P.L.
19 108-173, and as amended by P.L. 108-203, P.L. 108-218, P.L. 108-311, excluding
20 sections 306, 307, 308, 401, and 403 (a) of P.L. 108-311, P.L. 108-357, excluding
21 sections 101, 201, 244, 336, 337, 909, and 910 of P.L. 108-357, and P.L. 108-476,
22 and as indirectly affected by P.L. 99-514, P.L. 100-203, P.L. 100-647, P.L. 101-73,
23 P.L. 101-140, P.L. 101-179, P.L. 101-239, P.L. 101-280, P.L. 101-508, P.L.
24 102-90, P.L. 102-227, excluding sections 103, 104, and 110 of P.L. 102-227, P.L.
25 102-318, P.L. 102-486, P.L. 103-66, excluding sections 13113, 13150 (d), 13171

(d), 13174, and 13203 (d) of P.L. 103-66, P.L. 103-296, P.L. 103-337, P.L. 103-465, P.L. 104-7, P.L. 104-117, P.L. 104-188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-33, P.L. 105-34, P.L. 105-178, P.L. 105-206, P.L. 105-277, P.L. 106-36, P.L. 106-170, P.L. 106-230, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, P.L. 107-15, P.L. 107-16, excluding section 431 of P.L. 107-16, P.L. 107-22, P.L. 107-116, P.L. 107-134, P.L. 107-147, excluding section 101 of P.L. 107-147, P.L. 107-181, P.L. 107-210, P.L. 107-276, P.L. 107-358, P.L. 108-27, excluding sections 106, 201, and 202 of P.L. 108-27, P.L. 108-121, excluding section 109 of P.L. 108-121, P.L. 108-173, excluding section 1201 of P.L. 108-173, P.L. 108-203, P.L. 108-218, P.L. 108-311, excluding sections 306, 307, 308, 401, and 403 (a) of P.L. 108-311, P.L. 108-357, excluding sections 101, 201, 244, 336, 337, 909, and 910 of P.L. 108-357, and P.L. 108-476. The Internal Revenue Code applies for Wisconsin purposes at the same time as for federal purposes. Amendments to the federal Internal Revenue Code enacted after December 31, 2003, do not apply to this paragraph with respect to taxable years beginning after December 31, 2003, and before January 1, 2005, except that changes to the Internal Revenue Code made by P.L. 108-203, P.L. 108-218, P.L. 108-311, excluding sections 306, 307, 308, 401, and 403 (a) of P.L. 108-311, P.L. 108-357, excluding sections 101, 201, 244, 336, 337, 909, and 910 of P.L. 108-357, and P.L. 108-476, and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 108-203, P.L. 108-218, P.L. 108-311, excluding sections 306, 307, 308, 401, and 403 (a) of P.L. 108-311, P.L. 108-357, excluding sections 101, 201, 244, 336, 337, 909, and 910 of P.L. 108-357, and P.L. 108-476, apply for Wisconsin purposes at the same time as for federal purposes.

1 ***-0302/4.9* SECTION 1234.** 71.01 (6) (r) of the statutes is created to read:

2 71.01 (6) (r) For taxable years that begin after December 31, 2004, for natural
3 persons and fiduciaries, except fiduciaries of nuclear decommissioning trust or
4 reserve funds, "Internal Revenue Code" means the federal Internal Revenue Code
5 as amended to December 31, 2004, excluding sections 103, 104, and 110 of P.L.
6 102-227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66,
7 sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, sections 1, 3,
8 4, and 5 of P.L. 106-519, sections 162 and 165 of P.L. 106-554, P.L. 106-573, section
9 431 of P.L. 107-16, section 101 of P.L. 107-147, sections 106, 201, and 202 of P.L.
10 108-27, section 1201 of P.L. 108-173, sections 306, 308, 401, and 403 (a) of P.L.
11 108-311, and sections 101, 201, 244, 336, 337, 909, and 910 of P.L. 108-357, and as
12 indirectly affected by P.L. 99-514, P.L. 100-203, P.L. 100-647, P.L. 101-73, P.L.
13 101-140, P.L. 101-179, P.L. 101-239, P.L. 101-280, P.L. 101-508, P.L. 102-90, P.L.
14 102-227, excluding sections 103, 104, and 110 of P.L. 102-227, P.L. 102-318, P.L.
15 102-486, P.L. 103-66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and
16 13203 (d) of P.L. 103-66, P.L. 103-296, P.L. 103-337, P.L. 103-465, P.L. 104-7, P.L.
17 104-117, P.L. 104-188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605
18 (d) of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-33, P.L. 105-34, P.L.
19 105-178, P.L. 105-206, P.L. 105-277, P.L. 106-36, P.L. 106-170, P.L. 106-230, P.L.
20 106-554, excluding sections 162 and 165 of P.L. 106-554, P.L. 107-15, P.L. 107-16,
21 excluding section 431 of P.L. 107-16, P.L. 107-22, P.L. 107-116, P.L. 107-134, P.L.
22 107-147, excluding section 101 of P.L. 107-147, P.L. 107-181, P.L. 107-210, P.L.
23 107-276, P.L. 107-358, P.L. 108-27, excluding sections 106, 201, and 202 of P.L.
24 108-27, P.L. 108-121, P.L. 108-173, excluding section 1201 of P.L. 108-173, P.L.
25 108-203, P.L. 108-218, P.L. 108-311, excluding sections 306, 308, 401, and 403 (a)

1 of P.L. 108-311, P.L. 108-357, excluding sections 101, 201, 244, 336, 337, 909, and
2 910 of P.L. 108-357, and P.L. 108-476. The Internal Revenue Code applies for
3 Wisconsin purposes at the same time as for federal purposes. Amendments to the
4 federal Internal Revenue Code enacted after December 31, 2004, do not apply to this
5 paragraph with respect to taxable years beginning after December 31, 2004.

6 ***-1656/3.3* SECTION 1235.** 71.01 (8g) of the statutes is amended to read:

7 71.01 (8g) "Member" does not include a member of a limited liability company
8 treated as a corporation under s. 71.22 (1) (1k).

9 ***-1656/3.4* SECTION 1236.** 71.01 (8m) of the statutes is amended to read:

10 71.01 (8m) "Partner" does not include a partner of a publicly traded
11 partnership treated as a corporation under s. 71.22 (1) (1k).

12 ***-1656/3.5* SECTION 1237.** 71.01 (10g) of the statutes is created to read:

13 71.01 (10g) For purposes of s. 71.04 (7) (df), (dg), and (dh), "state" means a state
14 of the United States, the District of Columbia, the commonwealth of Puerto Rico, or
15 any territory or possession of the United States, unless the context requires that
16 "state" means only the state of Wisconsin.

17 ***-1656/3.6* SECTION 1238.** 71.03 (1) of the statutes is amended to read:

18 71.03 (1) DEFINITION. In this section, "gross income" means all income, from
19 whatever source derived and in whatever form realized, whether in money, property
20 or services, which is not exempt from Wisconsin income taxes. "Gross income"
21 includes, but is not limited to, the following items: compensation for services,
22 including salaries, wages and fees, commissions and similar items; gross income
23 derived from business; interest; rents; royalties; dividends; alimony and separate
24 maintenance payments; annuities; income from life insurance and endowment
25 contracts; pensions; income from discharge of indebtedness; distributive shares of

1 partnership gross income except distributive shares of the income of publicly traded
2 partnerships treated as corporations under s. 71.22 (1) (1k); distributive shares of
3 limited liability company gross income except distributive shares of the income of
4 limited liability companies treated as corporations under s. 71.22 (1) (1k); income in
5 respect of a decedent; and income from an interest in an estate or trust. "Gross
6 income" from a business or farm consists of the total gross receipts without reduction
7 for cost of goods sold, expenses or any other amounts. The gross rental amounts
8 received from rental properties are included in gross income without reduction for
9 expenses or any other amounts. "Gross income" from the sale of securities, property
10 or other assets consists of the gross selling price without reduction for the cost of the
11 assets, expenses of sale or any other amounts. "Gross income" from an annuity,
12 retirement plan or profit sharing plan consists of the gross amount received without
13 reduction for the employee's contribution to the annuity or plan.

14 *–1656/3.7* **SECTION 1239.** 71.04 (7) (d) of the statutes is repealed.

15 *–1656/3.8* **SECTION 1240.** 71.04 (7) (db) of the statutes is created to read:

16 71.04 (7) (db) Gross receipts from the lease, rental, or licensing of real property
17 owned by the taxpayer and the sublease of real property are in this state if the real
18 property is located in this state.

19 *–1656/3.9* **SECTION 1241.** 71.04 (7) (dd) of the statutes is created to read:

20 71.04 (7) (dd) 1. Except as provided in subd. 2., gross receipts from the lease,
21 rental, or licensing of tangible personal property owned by the taxpayer and the
22 sublease of tangible personal property are in this state if the property is located in
23 this state during the entire period of lease, rental, licensing, sublease, or other use.
24 If the property is used in and outside this state during the period of lease, rental,
25 licensing, or sublease, gross receipts are in this state to the extent that the property

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1 is used in this state. The proportion of use in this state is determined by multiplying
2 the gross receipts from the lease, rental, licensing, sublease, or other use of the
3 property by a fraction having as a numerator the amount of time the property was
4 used in this state in the taxable year and having as a denominator the total time the
5 property was used in all states having jurisdiction to impose an income tax on the
6 taxpayer in the taxable year.

7 2. Gross receipts from the lease, rental, or licensing of moving property,
8 including motor vehicles, rolling stock, aircraft, vessels, or mobile equipment, owned
9 by the taxpayer and the sublease of moving property are in this state to the extent
10 that the property is used in this state. The proportion of use of moving property in
11 this state is determined as follows:

12 a. The proportion of use of a motor vehicle or rolling stock in this state is
13 determined by multiplying the gross receipts from the lease, rental, licensing, or
14 sublease of the motor vehicle or rolling stock by a fraction having as a numerator the
15 number of miles traveled within this state by the motor vehicle or rolling stock while
16 leased, rented, licensed, or subleased in the taxable year and having as a
17 denominator the total number of miles traveled by the motor vehicle or rolling stock
18 while leased, rented, licensed, or subleased in the taxable year.

19 b. The proportion of use of an aircraft in this state is determined by multiplying
20 the gross receipts from the lease, rental, licensing, or sublease of the aircraft by a
21 fraction having as a numerator the number of takeoffs and landings of the aircraft
22 in this state while leased, rented, licensed, or subleased in the taxable year and
23 having as a denominator the total number of takeoffs and landings of the aircraft
24 while leased, rented, licensed, or subleased in the taxable year.

1 c. The proportion of use of a vessel or mobile equipment in this state is
2 determined by multiplying the gross receipts from the lease, rental, licensing, or
3 sublease of the vessel or mobile equipment by a fraction having as a numerator the
4 number of days that the vessel or mobile equipment is in this state while leased,
5 rented, licensed, or subleased in the taxable year and having as a denominator the
6 total number of days that the vessel or mobile equipment is leased, rented, licensed,
7 or subleased in the taxable year.

8 d. If the taxpayer is unable to determine the use of moving property under subd.
9 2. a., b., or c. while the property is leased, rented, licensed, or subleased in the taxable
10 year, the moving property is conclusively deemed to be used in the state in which the
11 property is located at the time that the lessee, renter, licensee, or sublessee takes
12 possession of the property in the taxable year.

13 ***-1656/3.10* SECTION 1242.** 71.04 (7) (df) of the statutes is created to read:

14 71.04 (7) (df) 1. Gross receipts from the use of computer software are in this
15 state if the purchaser or licensee uses the computer software at a location in this
16 state.

17 2. Computer software is used at a location in this state if the purchaser or
18 licensee uses the computer software in the regular course of business operations in
19 this state, for personal use in this state, or if the purchaser or licensee is an individual
20 whose domicile is in this state. If the purchaser or licensee uses the computer
21 software in more than one state, the gross receipts shall be divided among those
22 states having jurisdiction to impose an income tax on the taxpayer in proportion to
23 the use of the computer software in those states. To determine computer software
24 use in this state, the department may consider the number of users in each state
25 where the computer software is used, the number of site licenses or workstations in

1 this state, and any other factors that reflect the use of computer software in this
2 state.

3 3. If the taxpayer is not subject to income tax in the state in which the gross
4 receipts are considered received under this paragraph, but the taxpayer's
5 commercial domicile is in this state, 50 percent of those gross receipts shall be
6 included in the numerator of the sales factor.

7 *-1656/3.11* SECTION 1243. 71.04 (7) (dg) of the statutes is created to read:

8 71.04 (7) (dg) 1. Gross royalties and other gross receipts received for the sale
9 or use of intangible property, including, but not limited to, patents, copyrights,
10 trademarks, trade names, service names, franchises, licenses, plans, specifications,
11 blueprints, processes, techniques, formulas, designs, layouts, patterns, drawings,
12 manuals, technical know-how, contracts, and customer lists, are in this state if the
13 user, purchaser, or licensee uses the intangible property at a location in this state.

14 2. Intangible property is used at a location in this state if the user, purchaser,
15 or licensee uses the property in the operation of a trade or business at a location in
16 this state, for personal use in this state, or if the user, purchaser, or licensee is an
17 individual whose domicile is in this state. If the user, purchaser, or licensee uses the
18 intangible property in more than one state, the gross royalties and other gross
19 receipts from the sale or use of the intangible property shall be divided among those
20 states having jurisdiction to impose an income tax on the taxpayer in proportion to
21 the use of the intangible property in those states. To determine intangible property
22 use in this state, the department may consider the number of licensed sites in each
23 state, the volume of property manufactured, produced, or sold at locations in this
24 state, or any other factors that reflect the use of the intangible property in this state.

1 3. If the taxpayer is not subject to income tax in the state in which the gross
2 royalties or other gross receipts are considered received under this paragraph, but
3 the taxpayer's commercial domicile is in this state, 50 percent of those gross royalties
4 or other gross receipts shall be included in the numerator of the sales factor.

5 *–1656/3.12* SECTION 1244. 71.04 (7) (dh) of the statutes is created to read:

6 71.04 (7) (dh) 1. Gross receipts from services are in this state if the purchaser
7 of the service received the benefit of the service in this state.

8 2. The benefit of a service is received in this state if any of the following applies:

9 a. The service relates to real property that is located in this state.

10 b. The service relates to tangible personal property that is located in this state
11 at the time that the service is received or tangible personal property that is delivered
12 directly or indirectly to customers in this state.

13 c. The service is provided to an individual who is physically present in this state
14 at the time that the service is received.

15 d. The service is provided to a person engaged in a trade or business in this state
16 and relates to that person's business in this state.

17 3. If the purchaser of a service receives the benefit of a service in more than one
18 state, the gross receipts from the performance of the service are included in the
19 numerator of the sales factor according to the portion of the service received in this
20 state.

21 4. If the taxpayer is not subject to income tax in the state in which the benefit
22 of the service is received, the benefit of the service is received in this state to the
23 extent that the taxpayer's employees or representatives performed services from a
24 location in this state. Fifty percent of the taxpayer's receipts that are considered

1 received in this state under this paragraph shall be included in the numerator of the
2 sales factor.

3 ***-1656/3.13* SECTION 1245.** 71.04 (7) (dm) of the statutes is created to read:

4 71.04 (7) (dm) If the income from sales, other than sales of tangible personal
5 property, properly assignable to this state cannot be ascertained with reasonable
6 certainty by the methods under pars. (db), (dd), (df), (dg), and (dh), the department
7 may promulgate rules that specify how the income shall be apportioned.

8 ***-1656/3.14* SECTION 1246.** 71.04 (7) (e) 12. of the statutes is created to read:

9 71.04 (7) (e) 12. Gross receipts from the sale, licensing, or use of intangible
10 property in the ordinary course of the taxpayer's trade or business.

11 ***-1656/3.15* SECTION 1247.** 71.04 (7) (f) 5. of the statutes is amended to read:

12 71.04 (7) (f) 5. Proceeds Notwithstanding any other provision of this
13 subsection, proceeds and gain or loss from the redemption of securities.

14 ***-1656/3.16* SECTION 1248.** 71.04 (7) (f) 7. of the statutes is amended to read:

15 71.04 (7) (f) 7. Gross receipts and gain or loss from the sale of intangible assets,
16 except those under par. (e) 1. and 12.

17 ***-1656/3.17* SECTION 1249.** 71.04 (7) (f) 9. of the statutes is amended to read:

18 71.04 (7) (f) 9. Gross Notwithstanding any other provision of this subsection,
19 gross receipts and gain or loss from the sale or exchange of securities.

20 ***-1510/2.30* SECTION 1250.** 71.05 (6) (b) 28. (intro.) of the statutes is amended
21 to read:

22 71.05 (6) (b) 28. (intro.) An amount paid by a claimant for tuition expenses for
23 a student who is the claimant or who is the claimant's child and the claimant's
24 dependent who is claimed under section 151 (c) of the Internal Revenue Code, to
25 attend any university, college, technical college or a school approved under s. 45.54